

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

UNITED STATES OF AMERICA

v.

LUIS ENRIQUE MOCTEZUMA-ACOSTA

SCARLETT JULIETT FUENTES-

GAVARRETTE

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Criminal No. M-23-312

SEALED INDICTMENT

THE GRAND JURY CHARGES:

Count One

From on or about June 6, 2019, to on or about March 8, 2023, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**LUIS ENRIQUE MOCTEZUMA-ACOSTA
and
SCARLETT JULIETT FUENTES-GAVARRETTE**

knowing and in reckless disregard of the fact that individuals, who were aliens, had come to, entered and remained in the United States in violation of law, did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors to transport and move said aliens within the United States in furtherance of such violation of law, that is, from a location in Hidalgo County, Texas, to another location near Harris County, Texas, by means of a motor vehicle or an aircraft.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), and 1324(a)(1)(B)(i).

Count Two

From on or about June 6, 2019, to on or about March 8, 2023, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**LUIS ENRIQUE MOCTEZUMA-ACOSTA
and
SCARLETT JULIETT FUENTES-GAVARRETTE**

did knowingly and intentionally conspire and agree together and with other persons, known and unknown to the Grand Jury, to commit certain offenses against the United States as follows:

- (a) to knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is conspiracy to transport undocumented aliens or further their unlawful presence in the United States in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324 (a)(1)(A)(ii), with the intent to promote the carrying on of specified unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i);
- (b) to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, conspiracy to transport undocumented aliens or further their unlawful presence in the United States in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(ii) knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while

conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

- (c) to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, conspiracy to transport undocumented aliens or further their unlawful presence in the United States in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324 (a)(1)(A)(ii), knowing that the transaction was designed in whole and in part to avoid a transaction reporting requirement under federal law, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii);

In violation of Title 18, United States Code, Section 1956(h).

Count Three

On or about Decemer 8, 2022, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**LUIS ENRIQUE MOCTEZUMA-ACOSTA
and
SCARLETT JULIETT FUENTES-GAVARRETTE**

each aiding, abetting, and assisting one another, did knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the purchase of

personal property to wit; a 2023 black Escalade, such property having been derived from a specified unlawful activity, that is, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324 (a)(1)(A)(ii).

In violation of Title 18, United States Code, Sections 1957 and 2.

Count Four

On or about March 5, 2022, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**LUIS ENRIQUE MOCTEZUMA-ACOSTA
and
SCARLETT JULIETT FUENTES-GAVARRETTE**

each aiding, abetting, and assisting one another, did knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the purchase of personal property to wit; a 2021 Red Ford F150 Shelby Truck, such property having been derived from a specified unlawful activity, that is, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324 (a)(1)(A)(ii).

In violation of Title 18, United States Code, Sections 1957 and 2.

Count Five

On or about February 14, 2023, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

LUIS ENRIQUE MOCTEZUMA-ACOSTA

an alien who had previously been denied admission, excluded, deported, and removed, knowingly and unlawfully entered, attempted to enter, and was at any time found in the United States, to wit: near Mission, Texas, said defendant not having obtained the consent to reapply for admission into

the United States from the Attorney General of the United States and Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557.

In violation of Title 8, United States Code, Sections 1326(a) and 1326(b).

NOTICE OF FORFEITURE
18 U.S.C. 982(a)(1)

Pursuant to Title 18, United States Code, Section 982(a)(1), the United States gives notice to the defendants,

LUIS ENRIQUE MOCTEZUMA-ACOSTA
and
SCARLETT JULIETT FUENTES-GAVARRETTE

that in the event of conviction for an offense charged in Counts 2, 3 or 4 of the sealed indictment, the United States intends to seek forfeiture of:

(1) all property, real or person, involved in such offense or traceable to such property.

NOTICE OF FORFEITURE
18 U.S.C. 982(a)(6); 8 U.S.C 1324(b) and 28 U.S.C. 2461(c)

Pursuant to Title 18, United States Code, Section 982(a)(6), the United States gives notice to the defendants,

LUIS ENRIQUE MOCTEZUMA-ACOSTA
and
SCARLETT JULIETT FUENTES-GAVARRETTE

that upon conviction of a violation of Title 8, United States Code, Section 1324(a)(1) as charged in Count 1 of the sealed indictment, the following property is subject to forfeiture:

- (1) all conveyances, including vessels, vehicles, and aircraft, used in the commission of the offense;
 - (2) All real and personal property that constitutes, or is derived from, or traceable to the proceeds obtained directly or indirectly from the commission of the offense;
- and

- (3) All real and personal property that is used to facilitate, or is intended to be used to facilitate, the commission of the offense.

The property subject to forfeiture includes, but is not limited to, the following real property and personal property:

- (1) 1315 Ruger Street, Donna, Texas, 78537, Property ID 643613, Overland Park PH 2 Lot 49;
- (2) 311 W. 9th Street, San Juan, Texas, 78589, ID 276344, San Juan original townsite E 15' LOT 4, ALL OF 5 BLK 54;
- (3) 534 E. Acacia, Alamo, Texas, 78516, Property ID 114718, Alamo townsite Lot 20 BLK 24;
- (4) a 2021 Shelby Ford F150 bearing VIN: 1FTFW1E53NKE48780; and
- (5) a 2023 Cadillac Escalade VIN: 1GYS4EKL8PR101756.

Money Judgement

Defendant is notified that upon conviction, a monetary judgement may be imposed equal to the total value of the property subject to forfeiture.

Substitute Assets

Defendant is notified that in the event that property subject to forfeiture, as a result of any act or omission of defendant,

- (A) cannot be located upon exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or

(E) has been commingled with other property that cannot be divided without difficulty, it is the intent of the United States to seek forfeiture of any other property of the defendant up to the total value of such property pursuant to Title 21, United States Code, Section 853(p), incorporated by reference in Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON.

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY